DOCUMENT RESUME

ED 162 802 RC 010 954

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TITLE A Conceptual Framework for the Study and Analysis of Indian Communities. Second in a Series of Monographs for Social Work Practice with American Indians.
INSTITUTION Arizona State Univ., Tempe. School of Social Work.
PUB DATE 78
NOTE 45p.

EDRS PRICE MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS *American Indians; *Community Characteristics; Curriculum Guides; *Ethnography; Federal Legislation; Federal Programs; Government Role; Higher Education; *Learning Modules; *Research Methodology; Reservations (Indian); *Self Determination; Social Characteristics; Social Systems; *Social Work; Social Workers; Teaching Guides; Treaties; Tribes
IDENTIFIERS Tribal Sovereignty

ABSTRACT

Designed for presentation in three two-hour class periods, this five-unit module presents both a conceptual framework for the study and analysis of Indian communities and a guide to instructors in schools of social work for presentation of this framework to students in a classroom setting. Primary focus is upon federally recognized tribal reservations. Unit One deals with the 200 year old federal-Indian trust relationship and presents Indian tribal communities as sovereign and separate political entities. Unit Two discusses tribal communities as social systems with developed sub systems and social groupings designed to meet community members' needs. History and effects of federal Indian policy on tribal communities are examined in Unit Three along with the assertion that federal legal obligations and services have had the intended effect of reducing Indian tribal communities from self-reliance to economic dependency. Also explored is the inability of present American Indian communities to meet tribal members' needs; this situation is not the direct fault of Indian tribal systems but the failure of outside institutional systems imposed on tribal communities to alleviate the "Indian Problem". Unit Four examines the concept of Indian self-determination along with its implications for social work practice. Unit Five deals with social work practice with American Indian communities and states that social workers' understanding of the special conditions afforded Indian tribal communities through treaties and the Constitution provide a base for developing a strong advocate role. Study guide activities are provided to help the learner effectively utilize the conceptual framework presented. (Author/DS)

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PART ONE:

OBJECTIVES AND PROCEDURE

FORWARD

This module represents an attempt to simultaneously present a conceptual framework for the study and analysis of Indian communities and to provide a guideline for faculty in Schools of Social Work to present this framework to students in a classroom setting.

The module presents a dual perspective in the study and analysis of American Indian tribal communities and is organized into five major sections: 1) Federal-Indian Relations; 2) American Indian Tribal Communities as Social Systems; 3) Effects of Federal Indian Policies on American Indian Communities; 4) Implications for Self-Determination; and 5) Social Work Practice with American Indian Communities.

The flexibility of the module content allows for use in various time frames. Ideally the module is to be presented across three two-hour class sessions. Session one would cover units 1 and 2; session two would cover units 3 and 4; and, session three, unit 5 and overall discussion. It is possible, however, to present an overview in one two-hour session, or develop an entire semester course given the module outline.

Although various types of Indian communities exist (reservation, rural and urban) the primary focus of this module is upon federally recognized tribal reservations.

INTRODUCTION

In the study of American Indian communities within the United States it should be recognized that the economic, social and political forces which played a major part in shaping American communities are not the same as those which influenced and shaped American Indian communities. The "great change" which has occurred in American communities in the last 100 years and the specific influences as described by several noted educators do not necessarily apply nor describe the major forces or changes in American Indian communities.

From the early development of the United States the American Indians, as the first Americans, have had a unique relationship with the Federal government. This relationship known as a "trust relationship" on part of the Federal government to American Indians has been characterized by congressional and administrative control over Indian tribal communities. Throughout history federal Indian policy has excluded Indian tribes from the right and privileges experienced by the majority of American communities and imposed upon them certain restrictions which attempted to destroy their way of life.

RATIONALE

Much has been written concerning the study of communities in American society. However, in regards to American Indian communities little if any written material exists.

In order to understand the present structure and interaction of Indian communities it becomes necessary to develop a conceptual framework which identifies the major forces and influences which have shaped American Indian communities within the past 200 years. Such a framework would address the Indian policies and directives of the United States Government; their past and present effect in attempting to control Indian tribal systems; and, their overall effect on tribal communities.

PURPOSE

THE MAJOR PURPOSE OF THIS TEACHING MODULE IS TO PROVIDE A GUIDE FOR THE PRESENTATION OF A CONCEPTUAL FRAMEWORK FOR THE STUDY AND ANALYSIS OF AMERICAN INDIAN TRIBAL COMMUNITIES. THIS FRAMEWORK SUPPORTS THE SURVIVAL AND STRENGTHENING OF LOCAL TRIBAL COMMUNITIES AND CORRESPONDING SOCIAL SYSTEMS.

OBJECTIVES

THE MODULE IS DESIGNED TO EFFECTIVELY GUIDE THE INSTRUCTOR TO PRESENT:

1. AN UNDERSTANDING AND RECOGNITION OF INDIAN TRIBAL COMMUNITIES AS SOVEREIGN, SEPARATE AND DISTINCT POLITICAL ENTITIES.

2. INDIAN COMMUNITIES AS SOCIAL SYSTEMS WITH DEVELOPED CORRESPONDING SUB-SYSTEMS AND SOCIAL GROUPINGS DESIGNED TO MEET TRIBAL COMMUNITY MEMBERS' NEEDS.

3. AN OVERVIEW OF THE EFFECTS OF MAJOR INDIAN POLICY IN THE DESTRUCTION AND ATTEMPTED REPLACEMENT OF MAJOR INDIAN TRIBAL SYSTEMS.

4. A REVIEW OF THE PRESENT CONCEPT OF INDIAN SELF-DETERMINATION AS IT RELATES TO INDIAN COMMUNITIES AND ITS IMPLICATIONS FOR SOCIAL WORK PRACTICE.

AT THE CONCLUSION OF THIS MODULE THE LEARNER WILL BE ABLE TO EFFECTIVELY UTILIZE THE CONCEPTUAL FRAMEWORK PRESENTED, THROUGH ORAL OR WRITTEN ASSIGNMENT, TO:

1. DESCRIBE THE INDIAN TRIBAL COMMUNITY AS A SOCIAL SYSTEM HAVING HORIZONTAL AND VERTICAL PATTERNED RELATIONSHIPS.

2. TRACE THROUGH FEDERAL INDIAN POLICY THE ATTEMPTED DESTRUCTION AND REPLACEMENT OF INDIAN TRIBAL SYSTEMS WITH OUTSIDE INSTITUTIONAL SYSTEMS.

3. DEFINE THE CONCEPT OF SELF-DETERMINATION AND DESCRIBE ITS INTENDED OUTCOME FOR INDIAN TRIBAL COMMUNITIES.

4. IDENTIFY THE INDIAN COMMUNITIES' POSITIONS ON THE PLANNING AND DEVELOPMENT OF TRIBAL HEALTH AND WELFARE SYSTEMS.

5. IDENTIFY THE ROLES A SOCIAL WORKER IN EITHER A TRIBAL, STATE OR FEDERAL POSITION WOULD PLAY IN ADVOCATING IN BEHALF OF INDIAN COMMUNITIES.

MODULE OVERVIEW

Study and Analysis

of American Indian Communities

UNIT ONE: Federal-Indian Relations

- Indian tribal communities have a unique constitutional right to be separate and apart.
- Indian tribal communities are, under law, separate distinct political entities.

UNIT TWO: American Indian Tribal Communities as Social Systems

- Indian tribal communities consist of social units and institutional systems which through horizontal and vertical patterned relationships provide the locality relevant functions for day-to-day living of tribal community members.

UNIT THREE: Effects of Federal Indian Policy on American Indian Tribal Communities

- The Federal legal obligation and services has had the intended effect of reducing Indian tribal communities from self-reliance to economic dependency.
- The inability of present American Indian communities to meet tribal members' needs is not the direct fault of Indian tribal systems, but the failure of outside institutional systems imposed on Indian tribal communities designed to alleviate the "Indian problem."

UNIT FOUR: SELF-DETERMINATION: IMPLICATIONS FOR INDIAN TRIBAL COMMUNITIES

- THE SELF-DETERMINATION ACT OF 1975 PROVIDES A FORMULA FOR THE TRANSFER OF THE DELIVERY OF SERVICES FROM OUTSIDE IMPOSED BUREAUCRACIES TO TRIBAL INSTITUTIONAL SYSTEMS TO ONCE AGAIN PROVIDE THE MAJOR LOCALITY RELEVANT FUNCTIONS FOR DAY-TO-DAY LIVING OF TRIBAL MEMBERS.

UNIT FIVE: SOCIAL WORK PRACTICE WITH AMERICAN INDIAN COMMUNITIES

- SOCIAL WORKERS' UNDERSTANDING OF THE SPECIAL CONDITIONS AFFORDED INDIAN TRIBAL COMMUNITIES THROUGH UNITED STATES TREATIES AND THE CONSTITUTION PROVIDE A BASE FOR DEVELOPING A STRONG ADVOCATE ROLE.

PART TWO:

MODULE CONTENT

UNIT ONE:

FEDERAL-INDIAN RELATIONS

When the first European settlers arrived in America 200 years ago, and began establishing communities in a land inhabited by the many Indian tribes of North America, a unique relationship was formed. Through treaties, statutes and agreements a relationship between the Indians and the Federal Government was begun and has developed into what is today known as the "trust relationship."

> The trust relationship is defined as: The responsibility of a designated party (The United States Federal Government) to protect the specific rights of a second party (American Indian tribes). The collective promises made by the United States through Indian Treaties, statutes and directives is referred to as the trust responsibility.

One of the most important documented sources on which the "trust relationship" is founded was spelled out in the Northwest Ordinance of 1878 which stated that:

> The utmost good faith shall always be observed towards the Indians: their land and property shall never be taken from them without their consent; and in the property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress: but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

The fundamental authority, however, upon which future laws were set, was established in 1789 by the United States Constitution. The Constitution conveyed to the United States Congress the power to:

1. Regulate commerce with Indian tribes
2. Make treaties with them
3. Control public lands occupied and reserved to them

THROUGH THE CONSTITUTION OF THE UNITED STATES, INDIAN TRIBES WERE VIEWED AS SOVEREIGN GOVERNMENTS IN RECOGNITION OF THE INDIANS DESIRE FOR A SEPARATE IDENTITY AS A PEOPLE.

THE RIGHT OF TRIBAL SOVEREIGNTY AND FEDERAL INDIAN RELATIONS WAS FURTHER CLARIFIED IN 1832 BY CHIEF JUSTICE JOHN MARSHALL IN WHICH HE ARTICULATED THAT INDIAN TRIBES ARE:

> "...DISTINCT, INDEPENDENT, POLITICAL COMMUNITIES POSSESSING AND EXERCISING POWERS OF SELF GOVERNMENT DERIVED SOLELY FROM THEIR ORIGINAL SOVEREIGNTY."[1]

AND TO THIS WAS APPLIED AN ACCEPTED RULE OF INTERNATIONAL LAW, THAT IS,

> ...A WEAKER POWER DOES NOT SURRENDER ITS INDEPENDENCE--ITS RIGHT TO SELF-GOVERNMENT--BY ASSOCIATING WITH A STRONGER, AND TAKING ITS PROTECTION.[2]

THEREFORE, INDIAN TRIBAL COMMUNITIES THROUGH THE "TRUST RELATIONSHIP" WITH THE FEDERAL GOVERNMENT HAVE BEEN DECLARED, UNDER LAW, SOVEREIGN ENTITIES.

[1] WORCESTER V. GEORGIA (1832).

[2] IBID.

SOVEREIGNTY IS DEFINED AS THE AUTHORITY TO GOVERN. THE POWERS OF GOVERNMENTS INCLUDE AMONG OTHER THINGS:

1. THE POWER TO SET UP LEGISLATURES (TRIBAL COUNCILS) WHICH CAN PASS LAWS

2. THE POWER TO SET UP COURT SYSTEMS

3. THE POWER TO PUNISH PEOPLE WHO DO NOT OBEY THE LAWS

4. THE POWER TO TAX

5. THE POWER TO GRANT MARRIAGES AND DIVORCES

6. THE POWER TO REGULATE THE ADOPTION OF CHILDREN

7. THE POWER TO ZONE PROPERTY

8. THE POWER TO REGULATE HUNTING AND FISHING

SOVEREIGNTY IS A COLLECTION OF ALL THESE ABOVE POWERS AND MORE THAT GOVERNMENTS SUCH AS THE UNITED STATES, INDIVIDUAL STATES, COUNTIES AND CITIES HAVE AND USE DAILY. INDIAN TRIBAL COMMUNITIES ARE ORGANIZED INTO GOVERNMENTS AND ACT AS SEPARATE AND DISTINCT ENTITIES ON A DAY-TO-DAY BASIS.

AWARENESS AND KNOWLEDGE OF THE FEDERAL TRUST RELATIONSHIP AND SOVEREIGN STATUS OF THE INDIAN TRIBAL COMMUNITY IS BASIC FOR SOCIAL WORKERS IN THE STUDY AND ANALYSIS OF THE PRESENT SITUATION OF INDIAN COMMUNITIES. MISUNDERSTANDING OF THESE SPECIAL CONDITIONS UNDERMINES THE RIGHTS OF INDIAN COMMUNITIES GUARANTEED THROUGH UNITED STATES TREATIES AND THE CONSTITUTION.

FROM THE ABOVE TWO BASIC ATTITUDES PRIMARY FOR INITIAL COMMUNITY UNDERSTANDING AND INTERVENTION ARE:

1. INDIAN COMMUNITIES ARE NOT JUST ANOTHER MINORITY SOCIAL GROUPING BUT INDIAN TRIBES AND THEIR PEOPLE HAVE A UNIQUE CONSTITUTIONAL RIGHT TO BE SEPARATE AND APART.

2. FEDERAL INDIAN TRIBAL COMMUNITIES ARE, UNDER LAW, SEPARATE DISTINCT POLITICAL COMMUNITIES, RETAINING THEIR ORIGINAL NATURAL RIGHTS.

REQUIRED READINGS:

MCNICKLE, A., YOUNG, M. AND BUFFALOHEAD, R., CAPTIVE NATIONS A POLITICAL HISTORY OF AMERICAN INDIANS. WASHINGTON, D.C.: THE AMERICAN INDIAN POLICY REVIEW COMMISSION, 1978.

ANDERSON, A, (ED.) NATIONS WITHIN NATIONS. THE AMERICAN INDIAN AND THE GOVERNMENT OF THE UNITED STATES. WASHINGTON, D.C.: THE AMERICAN INDIAN POLICY REVIEW COMMISSION, 1978.

Unit Two:

American Indian Tribal Communities

As Social Systems

INDIAN TRIBAL COMMUNITIES, AS OTHER SOVEREIGN ENTITIES, HAVE ALWAYS INVOLVED THE CLUSTERING OF PEOPLE INTO SOCIAL UNITS IN PROVIDING FOR THE NEEDS OF THE INDIVIDUAL TRIBAL MEMBERS.

THE CONCEPT OF COMMUNITY, THEREFORE, MAY BE GENERALLY DEFINED AS:

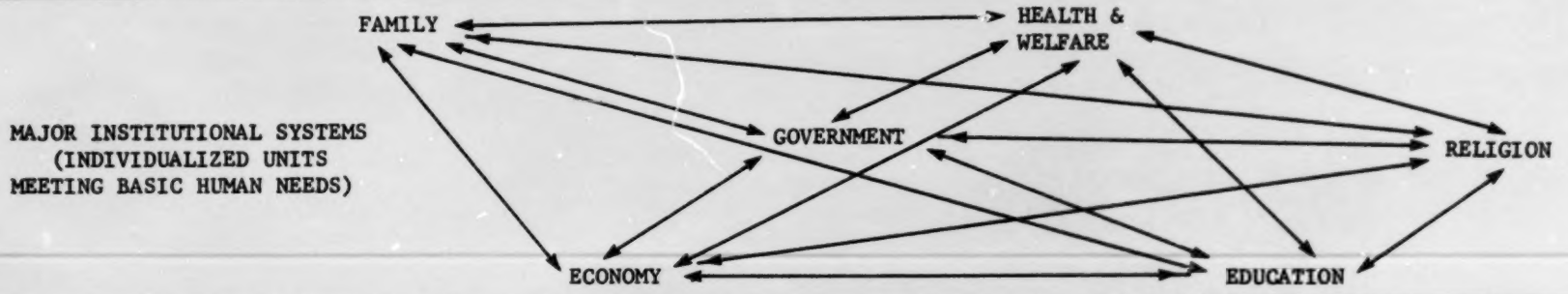
> THAT COMBINATION OF SOCIAL UNITS AND SYSTEMS THAT PERFORM THE MAJOR SOCIAL FUNCTIONS HAVING DAY-TO-DAY LOCALITY RELEVANCE.

IN OTHER WORDS, INDIAN COMMUNITIES, AS COMMUNITIES THROUGHOUT THE WORLD, DEVELOPED AN ORGANIZATION OF SOCIAL ACTIVITIES TO AFFORD THEIR TRIBAL MEMBERS DAILY LOCAL ACCESS TO THOSE BROAD AREAS OF ACTIVITY THAT ARE NECESSARY IN DAY-TO-DAY LIVING. THE ARRANGEMENT OF SOCIAL UNITS AND SYSTEMS DEVELOPED WITHIN A COMMUNITY BEGINNING WITH THE INDIVIDUAL MEMBER AND EXTENDING TO MAJOR INSTITUTIONAL SYSTEMS ARE DEPICTED IN FIGURE 1. THIS IS NOT REPRESENTATIVE OF EARLY INDIAN TRIBAL COMMUNITIES BUT REFLECTS THE ORGANIZATION OF COMMUNITIES TODAY.

FIGURE I

THE COMMUNITY SYSTEM STRUCTURE:

INSTITUTIONAL SYSTEMS, SUBSYSTEMS AND SOCIAL UNITS



Subsystems (Widespread social network)	Clan or Extended Family	Mining Agriculture Ranching Industry	Traditional and nontradition-alists	Health & Social Services	Boarding & Public Schools Radio, etc.	Traditional Christians
Social Grouping (Categories of people with common character-istics)	Grandparents, Parents, Children	Employed, unemployed Farmers Miners Ranchers	Villages, clans, etc.	Medicine Man Doctors Social Workers Psychologist	No formal education High School graduate Univ. graduates	Religious denominations
Social Groups (3 or more people in social contact)	Household A Family	Employees of a Mining Company, Tribal Indus-try, Ranch,etc	Local organi-zations on Indian rights and issues	Health Clinic Staff Social Ser-vice Staff	Students at boarding school Students at college	Congregations & local groups
Social Relationships (2 people or units in social contact)	Parent/ Child	Businessmen/ Consumer	Tribal official Tribal member	Medicine Man/ Patient Doctor/Patient Social worker/ Patient	Teacher/ Student	Medicine man, Clergyman/ Member, follower
The Person (As a type)	Parent	Consumer	Tribal member	Patient or Client	Student	Member, follower

THE DESCRIPTION AND ANALYSIS OF THE ACTIVITIES NECESSARY FOR DAY-TO-DAY LIVING ARE BEST STUDIED AS MAJOR FUNCTIONS OF ANY COMMUNITY IN PROVIDING FOR ITS MEMBERS. THESE COMMUNITY FUNCTIONS ARE:

1. PRODUCTION, DISTRIBUTION AND CONSUMPTION--RELATES TO COMMUNITY PARTICIPATION IN THE PROCESS OF PRODUCING, DISTRIBUTING AND CONSUMING GOODS AND SERVICES THAT ARE A PART OF DAILY LIVING AND WHICH ARE ACCESSIBLE IN THE IMMEDIATE LOCALITY, I.E., FARMING, MINING, RANCHING, ETC.

2. SOCIALIZATION--INVOLVES A PROCESS BY WHICH THE COMMUNITY OR ONE OF ITS CONSTITUENT SOCIAL UNITS TRANSMITS PREVAILING KNOWLEDGE, SOCIAL VALUES AND BEHAVIOR PATTERNS TO ITS INDIVIDUAL MEMBERS, I.E., SCHOOLS, CHURCHES, ETC.

3. SOCIAL CONTROL--INVOLVES THE PROCESS THROUGH WHICH A GROUP INFLUENCES THE BEHAVIOR OF ITS MEMBERS TOWARD CONFORMITY TO ITS NORMS, I.E., COMMUNITY GOVERNMENTS, POLICE, ETC.

4. SOCIAL PARTICIPATION--INVOLVES PROVIDING OPPORTUNITIES FOR COMMUNITY MEMBERS TO BECOME INVOLVED AND PARTICIPATE ON LOCAL ORGANIZATIONS WHICH SUPPORT AND STRENGTHEN THE COMMUNITY. WIDELY PREVALENT UNITS FOR DELIVERING THIS PARTICIPATION ARE RELIGIOUS AND SOCIAL ORGANIZATIONS.

5. MUTUAL SUPPORT--INVOLVES SUPPORT GIVEN IN THE FORM OF CARE IN TIME OF SICKNESS, EXCHANGE OF LABOR, OR HELPING A LOCAL FAMILY IN ECONOMIC STRESS. MUTUAL SUPPORT FUNCTIONS INCLUDE PUBLIC WELFARE DEPARTMENTS, PRIVATE HEALTH AND WELFARE AGENCIES, GOVERNMENTAL AND COMMERCIAL INSURANCE COMPANIES, ETC.

Page 17 missing

FIGURE II ON PAGE 20 REPRESENTS THE INTERACTION OF COMMUNITY INSTITUTIONS IN FULFILLING THE FUNCTIONS OF A COMMUNITY. LOCAL COMMUNITY INTERACTIONS ARE CALLED HORIZONTAL PATTERNED RELATIONSHIPS AND ARE DEFINED AS:

> THE STRUCTURAL AND FUNCTIONAL RELATIONSHIPS BETWEEN VARIOUS SOCIAL UNITS AND INSTITUTIONAL SYSTEMS WITHIN THE COMMUNITY.

IT SHOULD BE NOTED THAT WHILE ALL FUNCTIONS OF THE COMMUNITY HAVE LOCALITY RELEVANCE, THEY ARE NOT NECESSARILY FUNCTIONS OVER WHICH THE COMMUNITY EXERCISES EXCLUSIVE RESPONSIBILITY OR HAS COMPLETE CONTROL OVER. STRONG TIES BETWEEN LOCALLY BASED INSTITUTIONS OR SOCIAL UNITS SUCH AS SCHOOLS, GOVERNMENT AND BUSINESSES MAY EXTEND FAR BEYOND INTO THE EXTRA-COMMUNITY.

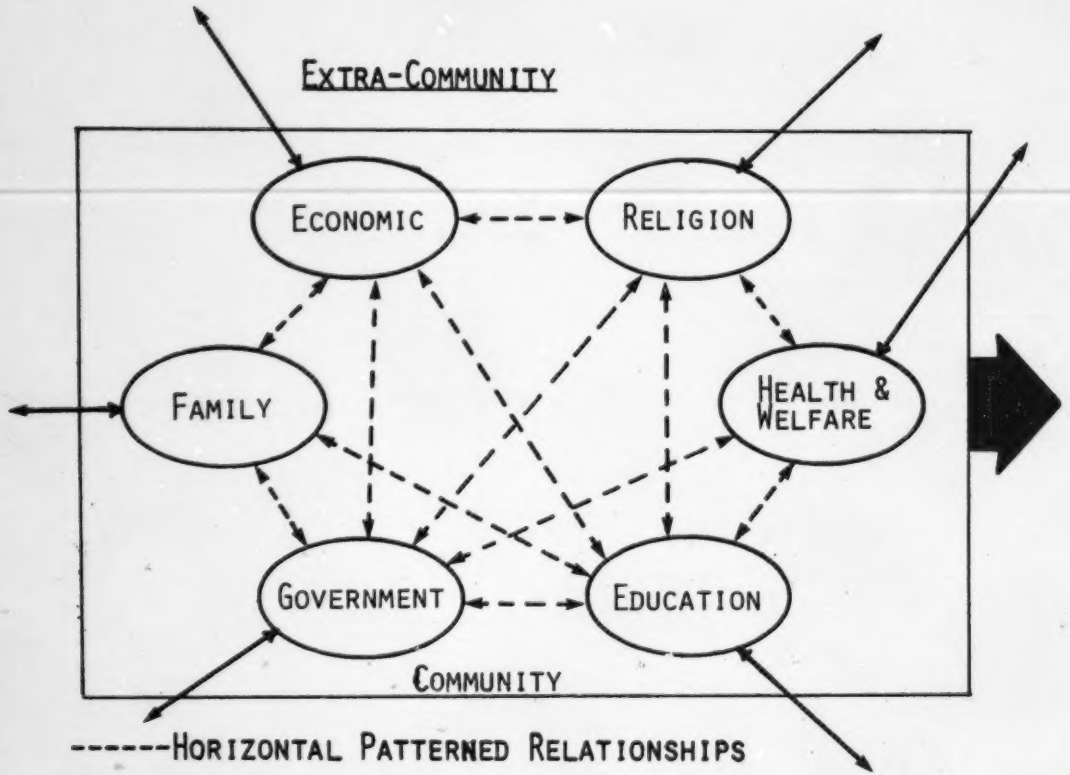
THESE EXTRA COMMUNITY TIES ARE CALLED VERTICAL PATTERN RELATIONSHIPS AND ARE DEFINED AS:

> THE STRUCTURAL AND FUNCTIONAL RELATIONS OF THE COMMUNITY'S SOCIAL UNITS AND INSTITUTIONAL SYSTEMS TO EXTRA-COMMUNITY SYSTEMS.

INDIAN TRIBAL COMMUNITIES AS DISTINCT SOVEREIGN ENTITIES CONSIST OF SOCIAL UNITS AND INSTITUTIONAL SYSTEMS THAT THROUGH HORIZONTAL AND VERTICAL RELATIONS FULFILL THE MAJOR LOCALITY RELEVANT FUNCTIONS FOR DAY-TO-DAY LIVING OF ITS TRIBAL COMMUNITY MEMBERS.

FIGURE II

COMMUNITY MODEL: RELATIONSHIPS AND COMMUNITY FUNCTIONS



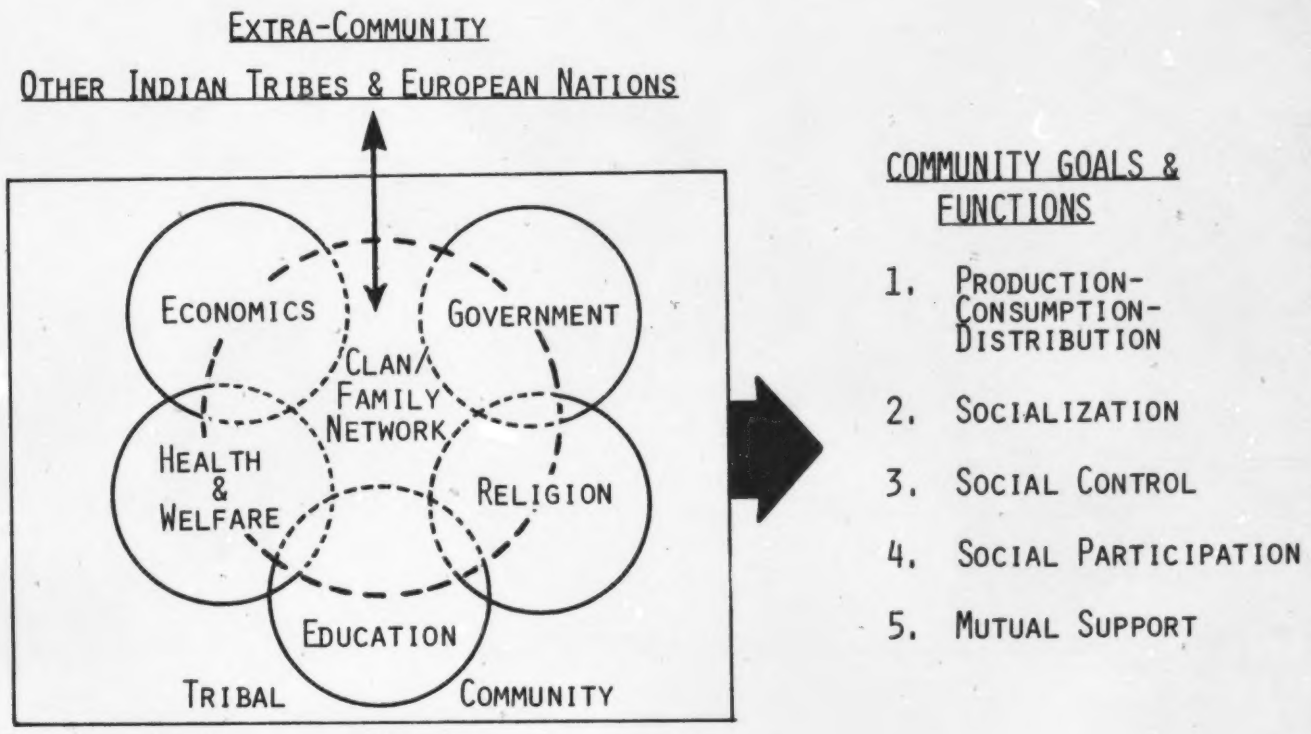
COMMUNITY FUNCTIONS & GOALS

1. PRODUCTION-CONSUMPTION-DISTRIBUTION
2. SOCIALIZATION
3. SOCIAL CONTROL
4. SOCIAL PARTICIPATION
5. MUTUAL SUPPORT

PRIOR TO THE EUROPEAN INVASION, INDIAN TRIBAL COMMUNITIES WERE BASED ON STRONG HORIZONTAL PATTERNS TIED TO THE TRIBAL/CLAN FAMILY SYSTEM. THE MAJOR FUNCTIONS OF DISTRIBUTION-CONSUMPTION-PRODUCTION, SOCIALIZATION, SOCIAL CONTROL, SOCIAL PARTICIPATION AND MUTUAL CONTROL WERE CARRIED OUT THROUGH THE EXTENDED FAMILY NETWORK AS DEPICTED IN FIGURE III.

FIGURE III

PRE-EUROPEAN AND EARLY COLONIAL INDIAN TRIBAL COMMUNITY RELATIONSHIPS



REQUIRED READINGS:
WARREN, R. "INTRODUCTION," THE COMMUNITY IN AMERICA CHICAGO: RAND MCNALLY COLLEGE PUBLISHING COMPANY, 1978 PP. 1-20.

Unit Three:

Effects of Federal Indian Policy

on American Indian Tribal Communities

Through the "trust responsibility" the United States Congress has, from time to time, passed laws to protect Indian tribal communities and improve their quality of life, circumstances of living and relations with the encroaching society. However, the history of the Indian people is a study of policy shortcomings and of continuous imposition of the European value system upon the Indian way of life. The question might be asked, "For whose circumstances of living, quality of life, and improved relationships was Indian policy developed?"

Laws founded to assimilate American Indian communities through the destruction and reorganization of their tribal systems and the taking of their land has continuously guided the development of Indian policy and has resulted in "administrative oppression" in Federal-Indian relations.

The development of federal Indian policy may be divided arbitrarily into seven (7) major periods each of which tends to overlap the other.

I Treaty Period
II Removal Period
III Reservation Period
IV Land Allotment Period
V Reorganization Period
VI Termination Period
VII Self-Determination Period

Refer to Eddie F. Brown "American Indians in Modern Society: Implications for Social Policy and Services," in Dolores Norton's Inclusion of Ethnic Minority Content in the Social Work Curriculum. New York: Council on Social Work Education.

I TREATY PERIOD

THE TREATY PERIOD BEGAN WHEN EUROPEAN NATIONS WERE CARVING OUT THEIR AREAS OF INFLUENCE IN THE NEW WORLD. THROUGH INTERNATIONAL LAW, TREATIES WERE MADE WITH THE AMERICAN INDIANS BY THE SPANISH, FRENCH, DUTCH, AND ENGLISH. UPON WINNING INDEPENDENCE, THE UNITED STATES CONTINUED THIS PRACTICE OF TREATY-MAKING UNTIL 1871. DURING THIS PERIOD, 370 TREATIES WERE MADE WITH VARIOUS AMERICAN INDIAN TRIBES, MANY OF WHICH ARE STILL ENFORCED.

THE STATED PURPOSE OF THE TREATY POLICY WAS TO PREVENT THE INVASION OF INDIAN LANDS AND TO ENSURE INDIAN RIGHTS AND LIBERTY. HOWEVER, ONCE THE AMERICAN GOVERNMENT LEARNED THAT THE INDIANS WERE SET ON MAINTAINING A SEPARATE IDENTITY AND WOULD NOT BEGIN TO GIVE UP INDIAN WAYS AND ADOPT ENGLISH WAYS, IT SAW THE INDIAN AS AN UNDESIRABLE OBSTACLE IN THE WAY OF NATIONAL DEVELOPMENT. AS SUCH, THE ATTENTION TURNED TO SECURING POSSESSION OF INDIAN LAND AND NATURAL RESOURCES FOR PERSONAL USE, AND THE ROLE OF THE CENTRAL GOVERNMENT WAS TO WORK OUT IN TREATIES WITH INDIAN TRIBES A SYSTEM BY WHICH THIS COULD TAKE PLACE IN AS ORDERLY A WAY AS POSSIBLE.

THE PAYMENT OF ANNUITIES IN CONNECTION WITH TREATY-MAKING, AS WELL AS THE ISSUANCE OF RATIONS FROM ARMY PROVISIONS TO INDIANS VISITING MILITARY POSTS WAS BEGUN DURING THIS PERIOD.

ALTHOUGH THE UNITED STATES CONTINUED TO SIGN TREATIES WITH INDIAN TRIBES UNTIL 1871, INDIANS WERE NOT TREATED AS CITIZENS OF A SEPARATE SOVEREIGNTY. IN THE 1850'S AND 1860'S, THE TREATY PROCESS BECAME A DEVICE FOR WEAKENING THE INDEPENDENCE OF TRIBAL GOVERNMENTS AND FOR LEGITIMIZING INTERFERENCE BY CONGRESS AND GOVERNMENT AGENCIES IN DAY-TO-DAY MANAGEMENT OF TRIBAL COMMUNITIES.

II REMOVAL PERIOD

Formal policy for the voluntary removal of Indians from Eastern lands was formalized through the Indian Removal Act of 1830. Indian removal, however, eventually relied more on military force than diplomatic treaty.

Removal of Indians from Eastern lands in exchange for new Western acreage was justified by the Federal Government as a means of protecting the Indians from repeated encroachments and confrontations with European settlers. Many people actually felt they were doing American Indians a favor by removing them from civilizations path until they could acquire the skills and knowledge for assimilation.

The tribes removed to the West saw their populations reduced through starvation and inclement weather. The survivors were dispersed, and the unity and stability of tribal communities were seriously undermined, affecting all aspects of their major tribal systems.

During this period the Bureau of Indian Affairs passed from military to civil control with placement in the Department of Interior. Under this department, the American Indians became viewed as "wards" of the Federal Government and a major role of the Bureau of Indian Affairs became one of maintaining peace between the United States Army and the American Indians.

III THE RESERVATION PERIOD

The philosophy of the reservation system was that Indians were to be made as comfortable on, and uncomfortable off reservations, as was in the power of the United States Government.

Those Indians who supposedly "went right" by accepting reservations, were cared for through the development of a ration system providing food and clothing to Indians. This ration practice, which originally had its beginning in the treaty period, became the forerunner of special social and health services offered to Indians today through the BIA and Public Health Service.

Indians not choosing to accept the forced reservation system such as the Apaches, Souix and Nez Perce, were divided and herded by the United States Army onto reservations.

American Indian communities' traditional structures were no longer recognized by the Federal Government and an attempt to control or replace them through Indian agents; the forbidding of religious ceremonies; and, the encouragement of Christianity was made.

IV THE LAND ALLOTMENT PERIOD

The Land Allotment Act which was initiated in 1887 was supposedly to assimilate tribal communities by giving individual ownership of land, as opposed to collective tribal ownership. Under this plan, small pieces of tribal land, ranging from 40 to 160 acres, were alloted to Indian families or individuals.

The result after 50 years of concerted effort to break up tribal community relationships and individualize Indian affairs, reduced the Indian land holdings by two-thirds: from over 140 million acres in 1886 to under 50 million acres in 1934. Because of the Indians' lack of financial means and business training thousands who received land allotments sold or rented them to the non-Indian.

THE SALE FUNDS EXHAUSTED OR RENTAL INCOME TOO SMALL INCREASED THE INDIANS DEPENDENCE UPON THE FEDERAL GOVERNMENT FOR ASSISTANCE. THE RADICAL CHANGE TO RESERVATION LIFE AND INDIVIDUAL OWNERSHIP OF LAND WAS CONTRARY TO INDIAN COMMUNITY LIFE AND CAUSED NOT ONLY SEVERE ECONOMIC PROBLEMS BUT PSYCHOLOGICAL CONFLICTS AS WELL.

V THE INDIAN REORGANIZATION PERIOD

THIS PERIOD BEGAN OFFICIALLY WITH THE WHEELER HOWARD ACT OR INDIAN REORGANIZATION ACT OF 1934, WHICH ATTEMPTED TO REPAIR THE DAMAGES OF THE ALLOTMENT PERIOD AND TO OFFICIALLY REESTABLISH TRIBAL GOVERNMENTS AND INDIAN COMMUNITY LIFE. THE EMPHASIS BECAME COOPERATION BETWEEN INDIAN TRIBES AND THE FEDERAL GOVERNMENT AS ANOTHER STRATEGY TO CONTROL INDIAN COMMUNITIES.

DURING THIS PERIOD THERE WAS MARKED PROGRESS IN PROFESSIONALIZING THE INDIAN SERVICE: BETTER PERSONNEL, HIGHER PROFESSIONAL STANDARDS, IMPROVED METHODS OF INTERVENTION, AND MORE RELEVANT, STRONGER EDUCATIONAL PROGRAMS. THE GREATEST DEVELOPMENT OF THE PERIOD, HOWEVER, WAS THE SUPPORT FOR TRIBAL SELF-GOVERNMENT. THE MAJORITY OF TODAYS TRIBAL GOVERNMENTS STEM FROM THIS PERIOD.

DURING THIS TIME, PROGRAMS WERE FORMALLY INITIATED TO FURTHER ASSIMILATE TRIBAL COMMUNITES BY HELPING FAMILIES IN SEARCH OF EMPLOYMENT RELOCATE IN LARGER METROPOLITAN AREAS. OVER THE YEARS AND PARTICULARLY AFTER WORLD WAR II, HUNDREDS OF INDIANS WERE RELOCATED TO MAJOR CITIES THROUGHOUT THE UNITED STATES. ALTHOUGH MANY RETURNED TO THE RESERVATION, MANY ALSO REMAINED AND ACCOUNT FOR THE LARGE URBAN INDIAN SETTLEMENTS IN CITIES SUCH AS CHICAGO, LOS ANGELES, DENVER AND PHOENIX.

VI THE TERMINATION PERIOD

THE PERIOD OFFICIALLY BEGAN IN 1953 WITH THE PASSAGE OF THE HOUSE CONCURRENT RESOLUTION 108. THIS LEGISLATION WAS PROMPTED BY PRESSURES FROM STATES AND THEIR CITIZENS FOR THE DISCHARGE OF THE FEDERAL GOVERNMENT'S OBLIGATION, LEGAL, MORAL, OR OTHERWISE TO AMERICAN INDIANS, AND THE DISCONTINUANCE OF FEDERAL SUPERVISION AND CONTROL OF FEDERAL TRUSTEESHIP RESPONSIBILITY FOR INDIAN LAND. HOUSE CONCURRENT RESOLUTION 108, IN EFFECT NAMED SPECIFIC TRIBES THAT WERE TO BE TERMINATED AT THE EARLIEST DATE. THIS INCLUDED THE MENOMINEES OF WISCONSIN, KLAMATHS OF OREGON AND VARIOUS OTHER SMALL TRIBES THROUGHOUT THE UNITED STATES.

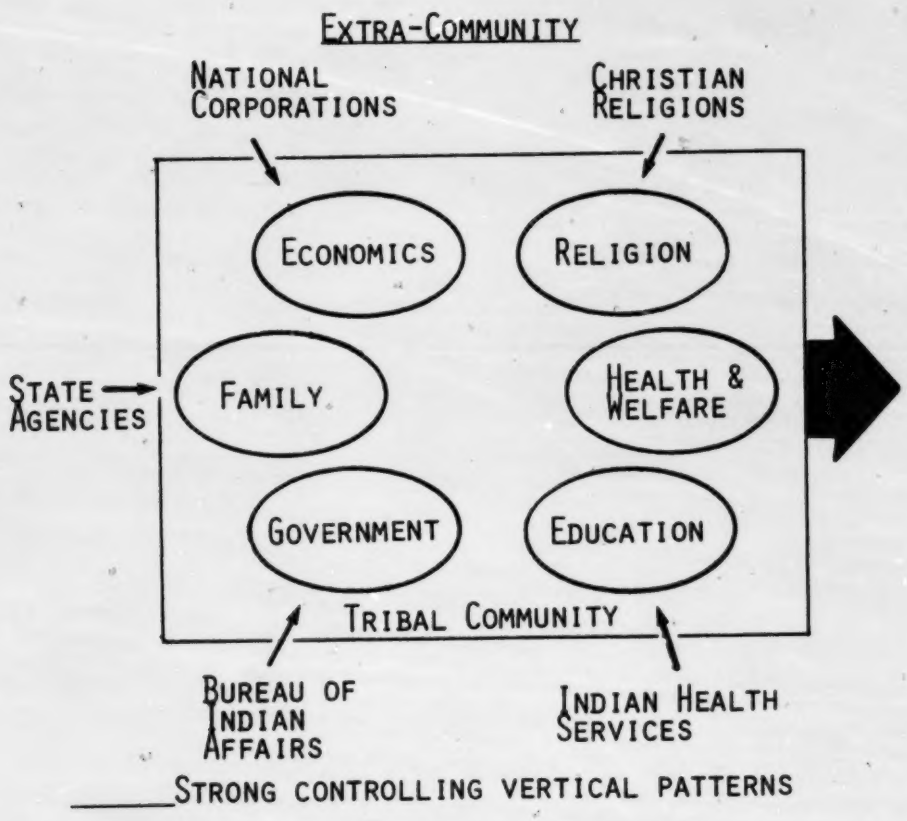
AS EARLY AS 1954, HOWEVER, RESISTANCE TO THE TERMINATION POLICY HAD DEVELOPED AND INDIAN AND NON-INDIAN GROUPS ALIKE VOICED STRONG OPPOSITION TO ITS CONTINUATION. STATES IN WHICH TRIBES ELIGIBLE FOR TERMINATION RESIDED, BEGAN TO REALIZE THE COST IN ASSUMING RESPONSIBILITY FOR THE WELL-BEING OF THEIR INDIAN CITIZENS. A GOOD EXAMPLE IS THE MENOMINEE TRIBE. WITH FEDERAL SUPPORT STOPPED AND MONEY FROM THE TERMINATION SETTLEMENT SPENT, THE MENOMINEE TRIBE WAS LEFT AT THE MERCY OF THE STATE OF WISCONSIN TO PROVIDE SUPPORT FOR THEIR SURVIVAL.

IN 1968, PRESIDENT JOHNSON CALLED FOR AN OFFICIAL END TO TRIBAL TERMINATION POLICY, AND THE HOUSE CONCURRENT RESOLUTION II WAS PASSED WHICH CREATED THE SELF-DETERMINATION WITHOUT TERMINATION PERIOD.

In the systematic attempt to assimilate the American Indian Community into the mainstream of American society, tribal social systems and existing strong horizontal relations were severely attacked and replaced with strong vertical ties through outside imposed institutions. Where family/clan and tribal systems once provided the major functions to meet tribal member needs, the Bureau of Indian Affairs, Public Health Service and the Department of Health, Education and Welfare, etc., now attempt to provide the major functions. (See Figure IV).

FIGURE IV

POST-EUROPEAN INDIAN TRIBAL COMMUNITY RELATIONSHIPS



Community Functions

1. Production-Consumption-Distribution
2. Socialization
3. Social Control
4. Social Participation
5. Mutual Support

THUS:

1. THE LEGAL OBLIGATION AND SERVICES WHICH STEMMED FROM THE FEDERAL GOVERNMENT HAS HAD THE INTENDED EFFECT OF REDUCING INDIAN TRIBAL COMMUNITIES FROM SELF-RELIANCE TO ECONOMIC DEPENDENCY. MANY TREATIES AND GOVERNMENT POLICIES WERE IMPOSED UPON INDIAN COMMUNITIES WHICH HAD NO REAL CHOICE BUT TO ACCEPT THE UNEVITABLE.

2. THE FAILURE OF AMERICAN INDIAN TRIBAL COMMITTIES TO MEET INDIVIDUAL MEMBERS' SOCIAL AND ECONOMIC NEEDS IS NOT THE DIRECT FAULT OF AMERICAN INDIAN COMMUNITY SYSTEMS, WHICH IN MANY CASES HAD BEEN DESTROYED, BUT THE FAILURE OF OUTSIDE, IMPOSED INSTITUTIONAL SYSTEMS DESIGNED TO ALLEVIATE THE "INDIAN PROBLEM."

REQUIRED READINGS:

MCNICKLE, A. YOUNG, M. AND BUFFALOHEAD, R. CAPTIVE NATIONS; A POLITICAL HISTORY OF AMERICAN INDIANS. WASHINGTON, D.C., AMERICAN INDIAN POLICY REVIEW COMMISSION, 1978, PP. 13-20.

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Unit Four:

Self-Determination:

Implications for Indian Tribal Communities

THE INDIAN POLICY PERIOD OF SELF-DETERMINATION BEGAN IN SPIRIT WITH THE EARLIER STATEMENT FROM THE NORTHWEST ORDINANCE OF 1787. PRESIDENT LYNDON JOHNSON RENEWED THIS PHILOSOPHY IN A SPECIAL MESSAGE TO CONGRESS IN 1968, WHEN HE PROPOSED THAT GOVERNMENTAL POLICY SHOULD HELP AMERICAN INDIAN COMMUNITIES ACHIEVE:

1. A STANDARD OF LIVING FOR AMERICAN INDIANS EQUAL TO THAT OF THE COUNTRY AS A WHOLE.

2. FREEDOM OF CHOICE: AN OPPORTUNITY FOR ALL AMERICAN INDIANS TO REMAIN IN THEIR HOME COMMUNITIES IF THEY CHOOSE, WITHOUT SURRENDERING THEIR DIGNITY; AND AN OPPORTUNITY FOR THEM TO MOVE TO THE TOWNS AND CITIES OF AMERICA, IF THEY CHOOSE, EQUIPPED WITH SKILLS THAT WILL ALLOW THEM TO LIVE IN EQUALITY AND DIGNITY.

3. FULL PARTICIPATION BY AMERICAN INDIANS IN THE LIFE OF MODERN AMERICA, WITH A FULL SHARE OF ECONOMIC OPPORTUNITIES AND SOCIAL JUSTICE.

WITHIN THIS PHILOSOPHY IS THE CONCEPT OF SELF-DETERMINATION WITHOUT TERMINATION, OR THE RIGHT OF INDIAN COMMUNITIES TO BECOME SELF-DETERMINED WITHOUT THE THREAT OF LOSING THE "TRUST RELATIONSHIP" WITH THE FEDERAL GOVERNMENT.

CURRENTLY INDIAN SELF-DETERMINATION IS DEFINED AS:

A FUNDAMENTAL CHANGE IN FEDERAL INDIAN POLICY MADE INTO LAW BY CONGRESS (SELF-DETERMINATION INDIAN EDUCATION ACT OF 1975) AND IMPLEMENTED BY THE BUREAU OF INDIAN AFFAIRS TO SPECIFICALLY RECOGNIZE THE RIGHT OF THE INDIAN PEOPLE TO DIRECT THEIR OWN DESTINIES WHILE PRESERVING THEIR STATUS WITH THE UNITED STATES GOVERNMENT.

THEREFORE, THE GOAL OF ANY NEW NATIONAL POLICY TOWARD INDIAN PEOPLE IS SUPPOSEDLY TO STRENGTHEN THE INDIANS' SENSE OF AUTONOMY WITHOUT THREATENING THEIR SENSE OF COMMUNITY.

Although the concept of Indian Self-Determination has been hearlded as the major remedy for tribal communities to once again control and direct their own lives, it should be pointed out that the specific policy enacted by Congress (The Indian Self-Determination Act of 1975) allows for no transfer of power to tribes but only the transfer of the delivery of services to Indian communities by tribal governments. As a result, the Indian self-determination period has been identified by many Indian policy experts as merely another chapter in the attempt of the Federal Government to assimilate American Indian communities.[3]

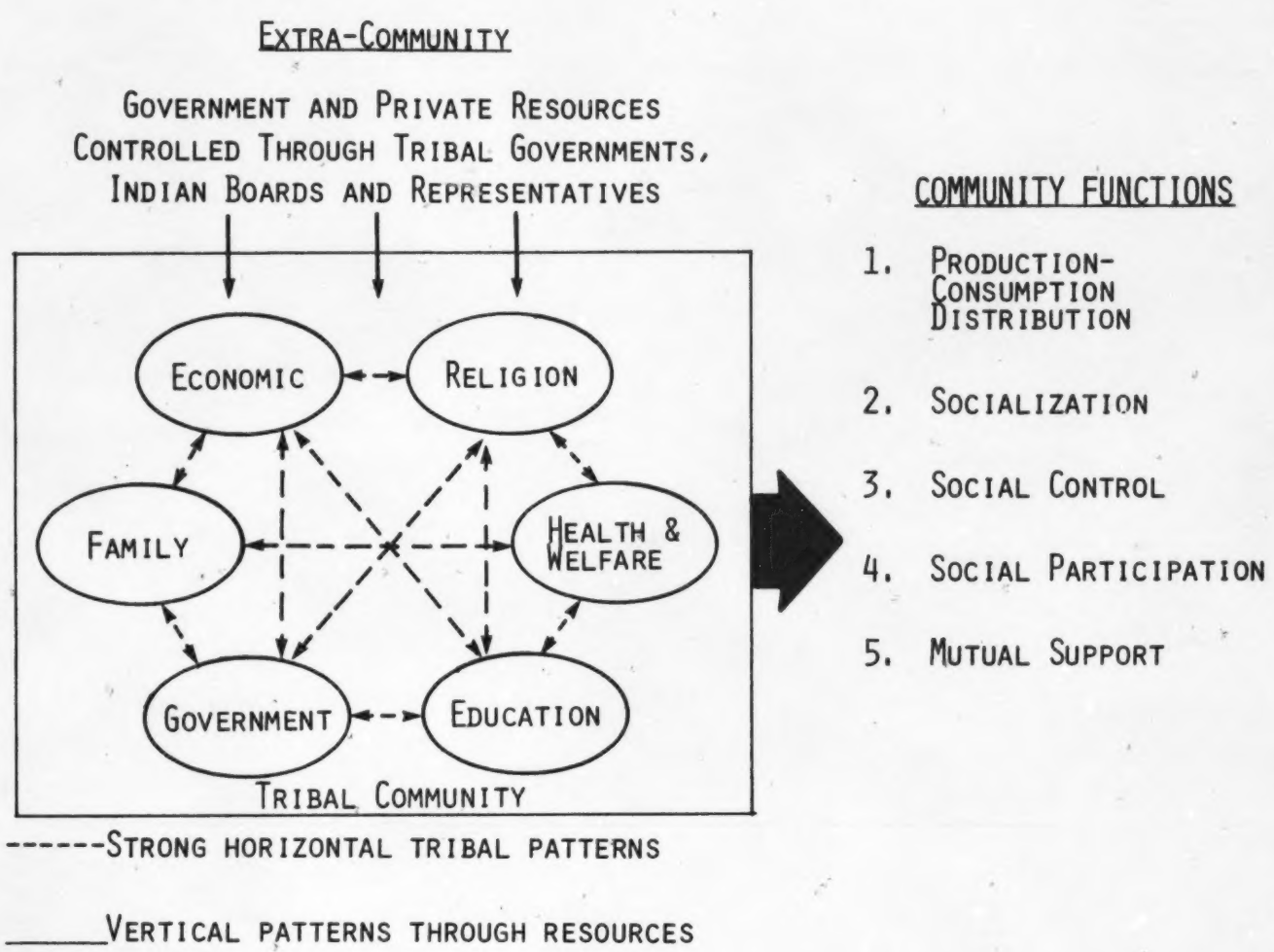
The rights of Indian communities to provide and administer the major community functions for the well being of their individual community members is supported through the Self-Determination Act of 1975 which provides a formula for the transfer of the delivery of services from the outside imposed bureaucracies to Indian communities.

The strong imposed vertical patterned relationships controling Indian communities as depicted in Figure IV are intended to be decreased over the next few years while the outside Governmental resources guaranteed to Indian communities through former treaties and the United States constitution continue. These resources are to be used in the support and strengthening of horizontal relations between the major tribal institutional systems <u>within</u> the Indian community (see Figure V).

[3]Refer to E. F. Brown, "Indian Self-Determination: A Dilemma for Social Work Practice" in F. J. Peirce <u>Mental Health Services and Social Work Education with American Indians</u>. Norman, Oklahoma: University of Oklahoma School of Social Work, 1977.

FIGURE V

INDIAN TRIBAL COMMUNITY RELATIONSHIPS THROUGH SELF-DETERMINATION CONCEPT



THE STRENGTHENING OF TRIBAL COMMUNITIES AS SOVEREIGN GOVERNMENTS FOR THE DEVELOPMENT OF TRIBAL NATURAL RESOURCES AND BUSINESSES; THE CONTRACTING AND DELIVERY OF HEALTH AND WELFARE SERVICES BY TRIBAL ORGANIZATIONS; AND, THE ORGANIZATION OF TRIBAL SCHOOL BOARDS AND PARENT ADVISORY GROUPS, ETC., ALL INCREASE AND STRENGTHEN THE HORIZONTAL RELATIONSHIPS ESSENTIAL FOR PRODUCING STRONG INDIAN COMMUNITIES.

Required Readings:

Anderson, A. (ed) "A Look Into the Future," Nations Within Nations, The American Indian and the Government of the United States, Washington, D.C. American Indian Policy

McNickle, D. et. al. "The Right to Choose: A Policy for the Future," Captive Nations: A Political History of American Indians, Washington, D.C., American Indian Policy Review Commission, 1978, pp. 13-20.

Unit Five:

Social Work Practice with American Indian Communities

WITH THE EVOLVING OF THE INDIAN SELF-DETERMINATION PERIOD THERE IS MUCH WORK TO BE DONE BY TRIBAL COMMUNITIES IN ADDRESSING THE SOCIAL PROBLEMS CREATED THROUGH PRIOR "ADMINISTRATIVE OPPRESSION." INDIAN EDUCATIONAL LEVELS ARE STILL LOW, HEALTH AND WELFARE SERVICES ARE GROSSLY INADEQUATE, PRESENT HOUSING CONDITIONS CONTINUE TO BREED POOR HEALTH AND SOCIAL PROBLEMS; UNEMPLOYMENT IS THREE (3) TO FIVE (5) TIMES THE NATIONAL AVERAGE, FOSTER PLACEMENT AND ADOPTION IN NON-INDIAN COMMUNITIES IS HIGH, RESOURCE DEVELOPMENT FOR COMMUNITY BETTERMENT IS LACKING; AND, STATE-TRIBAL CONTROVERSEY OVER JURISDICTIONAL RIGHTS AND NATURAL RESOURCES CONTINUES TO INCREASE.

IN THE PAST, PROFESSIONAL SOCIAL WORKERS THROUGH MISUNDERSTANDING OF THE SPECIAL CONDITIONS AFFORDED INDIAN COMMUNITIES THROUGH UNITED STATES TREATIES AND THE CONSTITUTION HAVE UNDERMINED THE RIGHTS OF INDIAN COMMUNITIES. HOWEVER, EDUCATED SOCIAL WORKERS SENSITIVE TO TRIBAL CULTURES AND KNOWLEDGEABLE OF THE PRESENT LEGAL AND SOCIAL SITUATION OF INDIAN TRIBES CAN TODAY PLAY A STRONG ADVOCATE ROLE IN BEHALF OF INDIAN TRIBAL COMMUNITIES.

WITH THE PASSAGE OF TITLE XX OF THE SOCIAL SECURITY ACT AND THE NATIONAL HEALTH AND RESOURCES DEVELOPMENT ACT OF 1974 CONTROVERSEY CONCERNING TRIBAL LEGAL AND JURISDICTIONAL CONTROL OVER THE ADMINISTRATION OF HEALTH AND WELFARE SERVICES TO INDIAN COMMUNITIES HAVE BECOME MAJOR ISSUES IN WHICH FEDERAL, STATE AND TRIBAL HEALTH AND WELFARE SERVICE WORKERS HAVE BECOME INVOLVED.

BRIEFLY, THE POSITION OF INDIAN COMMUNITIES IN RESPONSE TO THIS CONTROVERSEY IS AS FOLLOWS:

1. TRIBAL COMMUNITIES PREFER TO DEAL DIRECTLY WITH THE FEDERAL GOVERNMENT ON HEALTH AND SOCIAL SERVICE MATTERS RATHER THAN THROUGH INTERMEDIATE AGENCIES OR LEVELS OF GOVERNMENT.

2. TRIBAL COMMUNITIES DESIRE TO CONTINUE TO RECEIVE HEALTH AND SOCIAL SERVICES UNDER COORDINATED PARALLEL DELIVERY SYSTEMS ADMINISTERED LOCALLY BY THEMSELVES AND THE INDIAN HEALTH SERVICE AND/OR BUREAU OF INDIAN AFFAIRS, RATHER THAN TO BE A PART OF INTEGRATED STATE DELIVERY SYSTEMS.

3. TRIBAL COMMUNITIES WANT MAXIMUM CONTROL AND AUTHORITY TO COORDINATE HEALTH AND SOCIAL SERVICE SYSTEMS.

4. TRIBAL COMMUNITIES WILL CONTINUE TO DEVELOP THEIR OWN CAPABILITIES AND ASSUME GREATER RESPONSIBILITIES FOR THE HEALTH AND SOCIAL SERVICES TO THEIR PEOPLE.

IT IS IMPORTANT FOR US TO KEEP THESE POSITIONS OF INDIAN TRIBAL COMMUNITIES IN MIND AS WE PREPARE TO ADVOCATE FOR INDIAN COMMUNITIES.

<u>REQUIRED READINGS</u>:

BROWN, E. F. "INDIAN SELF-DETERMINATION: A DILEMMA FOR SOCIAL WORK PRACTICE," AND LEWIS, R. "TRIBAL SOCIAL WORKER--A CHALLANGE TO CREATIVITY," IN F. J. PEIRCE <u>MENTAL HEALTH SERVICES AND SOCIAL WORK EDUCATION WITH NATIVE AMERICANS</u>. NORMAN, OKLAHOMA: UNIVERSITY OF OKLAHOMA, SCHOOL OF SOCIAL WORK, 1977.

PART THREE:

STUDY GUIDE ACTIVITIES

STUDY QUESTIONS

1. WHAT PROBLEMS EXIST FOR STATES IN RECOGNIZING INDIAN TRIBES AS SEPARATE AND SOVEREIGN ENTITIES?

2. WHAT ARE THE MAJOR STRUCTURAL AND FUNCTIONAL DIFFERENCES BETWEEN INDIAN TRIBAL COMMUNITY SYSTEMS OF TODAY AS COMPARED TO THOSE PRIOR TO THE EUROPEAN INVASION?

3. WHAT IS THE INTENDED EFFECT OF THE INDIAN SELF-DETERMINATION CONCEPT ON INDIAN TRIBAL COMMUNITIES?

4. WHAT EFFECT WILL INCREASED SELF-DETERMINATION OF INDIAN TRIBAL COMMUNITIES HAVE ON TRIBAL-STATE-FEDERAL RELATIONS?

5. WHAT DILEMMA OR CONFLICT OF INTEREST MIGHT A SOCIAL WORKER WITHIN A STATE OR FEDERAL SYSTEM ENCOUNTER IN ADVOCATING FOR THE SURVIVAL AND STRENGTHENING OF INDIAN TRIBAL COMMUNITIES?

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